



**City of Kingston
Committee of Adjustment
Meeting Number 2021-08
Minutes**

**Monday, July 19, 2021 at 5:30 p.m.
In a virtual, electronic format**

Committee Members Present

Peter Skebo, Chair
Vincent Cinanni
Somnath Sinha
Jordan Tekeons-Levy

Regrets

Paul Babin
Blaine Fudge
Greg Lightfoot

Staff Members Present

Ashley Anastasio, Intern Planner
James Bar, Acting Manager, Development Approvals
Elizabeth Fawcett, Committee Clerk
Matthew LeBlanc, Intern Planner
Julia McCaugherty-Jansman, Committee Clerk
Jason Partridge, Planner
Lindsay Sthamann, Planner and Secretary-Treasurer

Introduction by the Chair

The Chair reviewed the order of proceedings for the meeting and informed the public that any individuals with a personal interest in an application can receive written notice of a decision by emailing a request to the Secretary-Treasurer including their name, address, and the file number of the application.

Meeting to Order

The Chair called the meeting to order at 5:32 p.m.

Approval of the Agenda

Moved by Mr. Tekenos-Levy

Seconded by Mr. Sinha

That the agenda be amended to include the addendum, and as amended, be approved.

Carried

Confirmation of Minutes

Moved by Mr. Tekenos-Levy

Seconded by Mr. Cinanni

That the minutes of Committee Adjustment Meeting Number 2021-07 held on Monday, June 21, 2021 be approved.

Carried

Disclosure of Pecuniary Interest

There was none.

Delegations

There were none.

Request for Deferral

There were none.

Returning Deferral Items

There were none.

Business

a) Application for: Consent

File Number: D10-008-2021 and D10-009-2021

Address: 3321 & 3311 Highway 38

Owner/Applicant: 2672111 Ontario Ltd

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding Application for Consent at 3321 & 3311 Highway 38. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Sands, Agent for the Applicant, provided more information regarding the recent change to the configuration of Lot 1 to be consist with the regular-shape lot policy within the Official Plan and to provide greater setback from the wetland area.

Mr. Skebo asked why a noise impact study was conducted for the application. Mr. Partridge responded that through the technical circulation, the City's Engineering department requested this study as required under the Official Plan to confirm that there are no negative impacts from the change in use of the property.

The Chair provided members of the public an opportunity to speak.

Mr. Farrell, 3385 Highway 38, stated that he purchased his property in 2012 for use as a hobby farm and is currently surrounded by other hobby farms with only 8 residential homes located along this section of the highway. He noted concerns with the ground water having experienced difficulty with his own barn water and noted that the addition of residential houses to the area will have environmental impacts to the surrounding habitat. He expressed safety concerns over increased traffic that would be exiting the property citing a number of accidents that have occurred recently along this stretch of highway. Mr. Farrell indicated that the owner's plan to severe the land is only to gain a larger profit when selling it. He asked the Committee to support the hobby farms in the area and vote against the application. He asked why the property has two municipal addresses.

Mr. Partridge provided information regarding the hydrological assessment required for the well water on the property. He stated that only two entrances will be permitted onto Highway 38 which will require the southern lots to enter into a right-of-way agreement with the neighbouring lot. He further explained the existence of two municipal addresses for the one lot.

Mr. Cinanni sought clarification on the number of hobby farms in the surrounding area and whether there are currently residential lots. Mr. Partridge provided clarification speaking to the Key Map in the presentation.

Mr. Sands provided specific addresses and locations which are considered residential-use only.

Mr. Bar confirmed the rural land use designation for the site which does permit limited residential development along with agriculture uses. He clarified that corporations are legal entities capable of holding title to lands in Ontario.

Mr. Tekenos-Levy cited planning test #2 which asks whether the variance is desirable or relevant for the use of the land and is it appropriate for the neighbourhood or community as a whole. He noted that there are smaller dwellings located in the area as well as farms. He asked staff whether the application is considered an appropriate use for this area and whether any other residents had written in to indicate whether the use is desirable. Mr. Partridge provided information regarding what staff assess in a consent application with respect to the zoning by-law and the Official Plan. He noted that the application was initially within staff's delegated authority to approve, however, given the correspondence received, Committee approval was required.

Mr. Skebo commented that although the owner may be interested in developing the property, the severance does allow for cleaning up the land and he noted that the bulk of the property would remain with the 3311 Highway 38 lot. He noted that the application satisfies the criteria and that there is no apparent reason to deny it.

Mr. Tekenos-Levy sympathized with Mr. Farrell's concerns but agreed with Mr. Skebo's comments.

Moved by Mr. Cinanni
Seconded by Mr. Sinha

That consent application, File Number D10-008-2021, to sever off a 1 hectare parcel of land at the northern part of the property, be provisionally approved subject to the conditions included in Exhibit A (Recommended Conditions) to Report Number COA-21-053, and

That consent application, File Number D10-009-2021, to sever off a 1 hectare parcel of land at the southern part of the property, be provisionally approved subject to the conditions included in Exhibit B (Recommended Conditions) to Report Number COA-21-053.

Carried

b) Application for: Minor Variance

File Number: D13-033-2021

Address: 95 Terry Fox Drive

Owner: Paul Martin

Applicant: Curtis Branscombe

Ms. Sthamann introduced the application.

Ms. Anastasio conducted a PowerPoint presentation regarding Application for Minor Variance at 95 Terry Fox Drive. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Touw, Agent for the Applicant, noted that he had no further information to add to the application.

Mr. Tekenos-Levy sought confirmation from the Agent that more parking spaces will not be required for the business. Mr. Touw provided further information regarding the nature of the business speaking to the frequency of clients attending the site and when parking is generally required. He confirmed that the reduction of parking requested will provide adequate parking for the business.

The Chair provided the members of the public an opportunity to speak. No comments were received from the public.

Moved by Mr. Tekenos-Levy
Seconded by Mr. Sinha

That minor variance application, File Number D13-033-2021, for the property located at 95 Terry Fox Drive to accommodate the construction of a new self-storage building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-054.

Carried

c) Application for: Minor Variance

File Number: D13-036-2021

Address: 9 Morton Way

Owner: James Brown, Joseph Phillip Brown, Alan Kennedy

Applicant: IBI Group Incorporated

Note: Business Item 8 d) Supplementary Report to Report Number COA-21-061 regarding Application for Minor Variance at 9 Morton Way was considered prior to this Business Item.

Ms. Sthamann introduced the application.

Mr. LeBlanc conducted a PowerPoint presentation regarding Application for Minor Variance at 9 Morton Way. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Touw, Agent for the Applicant, noted that he had no further information to add to the application.

The Committee provided no comment.

The Chair afforded members of the public an opportunity to speak. There were no comments provided by the public.

Moved by Mr. Sinha
Seconded by Mr. Tekenos-Levy

That minor variance application, File Number D13-036-2021, for the property located at 9 Morton Way to reduce minimum setback requirements for the front (west) and rear (east) yards, to decrease the front wall setback of the dormer from the building's main wall, and to increase the combined length of all proposed dormers be Approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-061.

Carried

- d) Subject: Supplementary Report (to Report Number COA-21-055)**
 - File Number: D13-036-2021**
 - Address: 9 Morton Way**
 - Owner: James Brown, Joseph Philip Brown, Alan Kennedy**
 - Applicant: IBI Group Incorporated**

Note: This Business Item was heard prior to Business Item 8 c) Application for Minor Variance at 9 Morton Way.

Moved by Mr. Tekenos-Levy
Seconded by Mr. Sinha

That paragraph 2 of the recommendation in Report Number COA-21-055, be replaced with the following:

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-061.

Carried

- e) Application for: Minor Variance**
 - File number: D13-026-2021**
 - Address: 233 Colborne Street**
 - Owner: ELM TOWNS GP INC**
 - Applicant: Peter Sauerbrei**

Ms. Sthamann introduced the application.

Mr. Partridge conducted a PowerPoint presentation regarding Application for Minor Variance at 233 Colborne Street. A copy of the presentation is available upon request through the City Clerk's department.

Mr. Sauerbrei, the Applicant, stated that he had no further information to add to the application.

The Committee provided no comment.

The Chair afforded members of the public an opportunity to speak. There were no members of the public present.

Moved by Mr. Tekenos-Levy
Seconded by Mr. Sinha

That minor variance application, File Number D13-026-2021, for the property located at 233 Colborne Street seeking relief from the minimum setback from rear lot line, in order to legalize a 390 square metres 16-unit residential townhouse building, be approved; and

That approval of the application be subject to the conditions attached as Exhibit A (Recommended Conditions) to Report Number COA-21-056.

Carried

Motions

There were none.

Notices of Motion

There were none.

Other Business

There was none.

Correspondence

There was none.

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Date and time of Next Meeting

The next meeting of the Committee of Adjustment will be held on August 16, 2021 at 5:30 p.m.

Adjournment

Moved by Mr. Sinha

Seconded by Mr. Tekenos-Levy

That the meeting of the Committee of Adjustment adjourn at 6:26 p.m.

Carried